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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MMB Docket No. 1007-0564

Emerson Docket No. M-7371

Confirmation No. 6235

Application of: Astrauskas et al.

Group Art Unit: 2838

Serial No. 10/628,700

Examiner: Edward H. Tso

Filing Date: July 28, 2003

For: Method and Apparatus for Conserving Battery for Operation of a Low Intensity Optical Communication Probe

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop - AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

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Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision set forth in the Official Action mailed March 15, 2006, in which the Examiner finally rejected claims 1-20.

Commissioner of Patents

June 14, 2006

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A check for \$500.00 is enclosed for the filing fee of a Notice of Appeal as required by 37 CFR § 1.17(b). Also, please provide any extension of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,



David M. Lockman
Attorney for Applicants
Registration No. 34, 214

June 14, 2006

Maginot, Moore & Beck LLP

Chase Tower

111 Monument Circle, Suite 3250

Indianapolis, Indiana 46204-5109

(317) 638-2922 telephone

(317) 638-2139 facsimile